

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,	)	
	)	Criminal No. 3:07-cr -516
Plaintiff,	)	
	)	
v.	)	SENTENCING MEMORANDUM
	)	
MARIO MURRAY,	)	
	)	
Defendant.	)	

The United States of America, by and through the United States Attorney for the Southern District of Iowa and his Assistant United States Attorney Clifford R. Cronk III, submits this Sentencing Memorandum as follows:

**I. Background of the case.**

In March of 2007, Defendant Mario Murray (Murray) was indicted for conspiring to distribute and possess with intent to distribute 5 kilograms and more of cocaine from about 1997 to 2007. Murray was later charged with conspiracy to commit money laundering. In April of 2008, Murray plead guilty to the conspiracy charges (Counts 1 & 2). As part of his plea, the defendant admitted that he distributed more than 5 kilograms of crack and 150 kilograms of cocaine and that his base offense level for the drug conspiracy offense is a Level 38. Mr. Murray also agreed to forfeit the assets listed in the indictment.

Sentencing is scheduled for March 27, 2009 at 1:00 p.m.

**II. Sentence Determination**

**A. Guideline Calculations**

The Pre-sentence Report grouped the charged offenses to arrive at a unified

guideline range. This resulted in the following guideline calculations:

Base offense Level	38
The offense is a violation of 18 USC § 1956:	+2
Sophisticated Money Laundering:	<u>+2</u>
<b>Subtotal</b>	<b>42</b>
Chapter 3 adjustment -Aggravated Role for being an organizer/ leader of activity involving 5 or more participants:	<u>+4</u>
<b>Adjusted Offense Level</b>	<b>46</b>
Acceptance of Responsibility	<u>-3</u>
<b>Total Offense Level</b>	<b>43</b>

Criminal History Category II - Guideline Range - Life  
(Mandatory Minimum - 20 years)

#### **B. Suggested Changes to the Presentence Report.**

One item contained in the Presentence report has been denied by Murray prompting additional investigation by agents. In particular, information contained in paragraph 16 concerning a claim that a witness (Smith) was “trunked” and that Murray arranged to have a vehicle shot at, was further investigated. According to a DEA agent working this case, that information cannot be confirmed and is believed to be exaggerated or false. It should be removed from the report.

Even though the report refers to a firearm in connection with defendant’s 1996 drug conviction (¶91), agents conducting this investigation found no evidence that the defendant possessed, used or carried a firearm in connection with the conspiracies charged here.

There are no guideline issues to resolve.

**C. Sentencing Recommendation.**

Given the factors set forth in 18 U.S.C. § 3553(a), including the nature and circumstances of this offense and the history and characteristics of the defendant, the need for the sentence imposed to reflect the seriousness of the offense, promote respect for the law, provide just punishment, and afford adequate deterrence to criminal conduct and protect the public from further crimes of the defendant and avoid unwarranted sentencing disparities, the United States recommends a sentence of life in prison.

WHEREFORE, the United States respectfully requests that this court conclude that the guideline calculations in the Presentence Reports are accurate and sentence the defendant accordingly.

Respectfully Submitted,

Matthew G. Whitaker  
United States Attorney

By: /s/\_\_\_\_\_  
Clifford R. Cronk III  
Assistant United States Attorney

United States Court House  
131 East 4th Street, Suite 310  
Davenport, IA 61201  
Tel: (563) 449-5432  
Email: [cliff.cronk@usdoj.gov](mailto:cliff.cronk@usdoj.gov)

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon all counsel of record and *pro se* parties at their respective addresses as reflected in the pleadings by electronic mail on the 25th day of March 2009.

/s/  
United States Attorney's Office